

AUG 09 2006

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ROBERT H. SWEETWELL, CLERK
BY JSB DEPUTY

ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 06-10021 - 01

VERSUS

DISTRICT JUDGE DEE D. DRELL

RICHARD A. FRANKLIN

U.S. MAGISTRATE JUDGE JAMES D. KIRK

O R D E R

Pursuant to the provisions of 18 U.S.C. §4241, and because there may be a question as to defendant's competency to stand trial and considering the request made by defense counsel (Doc. #33) for a competency evaluation, in order to assist his counsel in preparation for trial, the court hereby orders a psychiatric examination of defendant.

Defendant has been charged in a criminal complaint with child pornography.

Although defendant appeared to understand the initial appearance proceedings held, including the charges against him, his right to an attorney and his right to a hearing regarding the Government's motion for detention, it is not clear to the court that defendant can understand the proceedings against him and assist his counsel in the defense of the charges against him. In addition, there is a question as to the defendant's mental status at the time of the alleged offense.

Therefore, IT IS ORDERED that defendant undergo psychological evaluation by Dr. John C. Simoneaux, PhD. on September 20, 2006 at

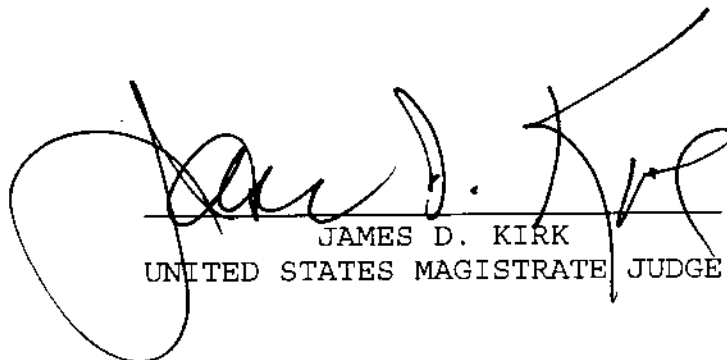
3:00 p.m. and a report submitted to the court on or before October 31, 2006. In accordance with the provisions of 18 U.S.C. §4247(c), the report shall include (1) history and present symptoms; (2) a description of the psychiatric, psychological and medical tests that were employed and the results; (3) the examiner's findings; and (4) the examiner's opinions as to the diagnosis, prognosis and whether defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and whether he was insane at the time of the offense charged. To assist in the evaluation, attached is a copy of the Pre-trial services report which is confidential and which must be returned to the undersigned with the report of examination.

IT IS FURTHER ORDERED that the cost of the examination and report are to be borne by the Department of Justice. 50 Opinion Comp General 128 (1970); Paragraph 3.11(B), Guidelines for the Administration of the Criminal Justice Act, Volume VII, Guide to Judiciary Policies and Procedures.

IT IS FURTHER ORDERED that all proceedings in this case, including arraignment, preliminary examination, detention or othim hearings, be held in abeyance until the psychiatric report is received or unless otherwise ordered by the district judge or the undersigned.

The clerk of court is directed to provide notice of this order to the Department of Justice, through the Assistant U.S. Attorney and to defense attorney, Joseph P. Beck, III.

THUS DONE AND SIGNED at Alexandria, Louisiana, this 9th day of August, 2006.


JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE

COPIES SENT:
DATE: 8-9-06
BY: JDB
TO: USMS